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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Donald R. Youell, Jr., et al.  
Serial No. : 09/865,229  
Filed: : May 25, 2001  
For: : Automobile Part Shipping System and Method  
TC/AU : 3721  
Examiner : Paul R. Durand  
Attorney Docket No. : ACP 2-021

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### DECLARATION UNDER 37 C.F.R. § 1.132

Donald R. Youell, Jr. does declare and state:

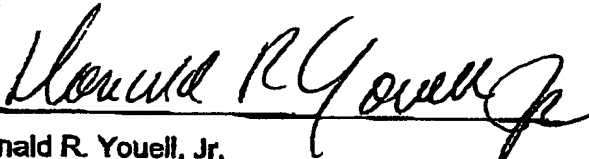
- 1) That he attended Emory & Henry College and majored in business;
- 2) That he has been involved in the manufacture and design of corrugated packaging for 45 years;
- 3) That he has invented a patented reusable self-locking carton and tray assembly, U.S. Patent No. 5,139,194;
- 4) That he is a co-inventor of a patented paperboard runner and paperboard pallets constructed therewith, U.S. Patent No. RE35131;
- 5) That he was a principal in the formation of two successful packaging companies;
- 6) That he was a finalist for the Columbus, Ohio area Small Business Person of the Year award in 1989;
- 7) That he is a co-inventor of and co-applicant on the above-identified application;
- 8) That he is president of American Corrugated Products (ACP), which manufactures and sells packaging to be used in accordance with the method of claims 1-5;
- 9) That his customers include, among others, Daimler Chrysler, Mac-Pack Services, Inc.
- 10) That Exhibit A, attached hereto, is a copy of a letter received by ACP from Richard Tracy, the purchasing agent for Daimler Chrysler;

- 11) That, as indicated by Mr. Tracy, the breakage rate for laminated glass products is traditionally high in a single pack application;
- 12) That, with the ACP design, Daimler Chrysler's breakage is down considerably and that they are able to ship more single packs to customers with the confidence that the parts will arrive intact;
- 13) That ACP's unique design completely protects the sealing surfaces from damage and is the only packaging that Mr. Tracy has seen that offers that ability;
- 14) That Exhibit B, attached hereto, is a copy of a letter that ACP received from Daniel McLaughlin, president of Mac-Pack Services, Inc.
- 15) That, as indicated by Mr. McLaughlin, Mac-Pack Services is a contract packaging company that specializes in packaging aftermarket automotive glass products;
- 16) That, historically, the glass packing portion of the business has resulted in a high percentage of damaged and broken glass during the shipping phase;
- 17) That Mac-Pack Services has been a customer of American Corrugated Products for about a year, and during that time, the claims for broken and damaged shipments has decreased by 90%;
- 18) That use of the ACP design has been so successful that Mac-Pack Services' business with automotive companies and glass manufacturers has increased 300%;
- 19) That Exhibits A and B are letters maintained by ACP in the ordinary course of business;
- 20) That the foregoing advantages emphasize the uniqueness of the shipping method of the present invention;
- 21) That he has been advised that claim 1 in the above-identified application has been rejected under 35 U.S.C. § 102 as being anticipated by Meyer, U.S. Patent No. 3,784,004;
- 22) That he has been advised that, in applying this rejection, the Examiner has cited Meyer as showing a paperboard having a front and back, placing an automobile part that has a structure on the front of the paperboard, leaving front areas exposed, and shrink wrapping the part onto the paperboard with film;
- 23) That as defined in the application at page 4, lines 7-19, a structural automobile part is a large and heavy automobile part, which may be unbreakable or breakable. Examples of unbreakable structural automobile parts are hoods,

fenders, doors, and the like. Breakable may be, for example, automobile windshields;

- 24) That Meyer discloses packaging designed to prevent air and moisture from damaging or corroding the packaged article;
- 25) That Meyer includes no suggestion or teaching to package and ship structural automobile parts;
- 26) That he has been advised that the Examiner has rejected claim 2 under 35 U.S.C. § 103(a) as being unpatentable over Meyer in view of Gillio-tos, U.S. Patent No. 4,611,456;
- 27) That Gillio-tos does not disclose a method for shipping a structural automobile part;
- 28) That he has been advised that the Examiner has rejected claims 3 and 4 under 35 U.S.C. § 103(a) as being unpatentable over Meyer in view of Engles, Jr., U.S. Patent No. 3,154,898;
- 29) That for shipping purposes, window glass, door panels, hoods, and fenders are not equivalent to or interchangeable with clutches and bearings;
- 30) That he believes that the present invention is patentable, and is not anticipated nor rendered obvious by the art combination cited in the above-identified application; and
- 31) That all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like, so made, are punishable by fine, or Imprisonment, or both, under Section 1001 of Title 18, and that such willful false statements may jeopardize the validity of the application or any document resulting therefrom.

Further Declarant sayeth naught.

  
Donald R. Youell, Jr.